

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1275

Introduced by Assembly Member DeSaulnier

February 23, 2007

An act to add Sections 103629 and 103629.5 to the Health and Safety Code, relating to domestic violence.

LEGISLATIVE COUNSEL’S DIGEST

AB 1275, as amended, DeSaulnier. Domestic violence: certified copies of vital records: fees.

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates.

Existing law authorizes certain cities and counties, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, and to provide funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

This bill would authorize a county board of supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, for the purpose of funding governmental oversight and coordination of domestic violence prevention, early intervention, and prosecution efforts in the county, up to a maximum increase of \$4.

This bill would also authorize a county that elects to increase these fees for these purposes to authorize, effective July 1 of each year, an additional increase in these fees by an amount equal to the increase in the Consumer Price Index for the state for the preceding calendar year, as specified.

The bill would also require a county that elects to increase these fees for the purpose of funding governmental oversight and coordination of domestic violence prevention, early intervention, and prosecution efforts in the county to submit an annual report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary that contains specified information related to the funds received and expended from the fee increases.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*
3 *(a) Domestic violence is costly, both in human and*
4 *organizational terms. The results of domestic violence have many*
5 *“hidden” costs, such as job turnover, loss of productivity, school*
6 *absenteeism, and low-school performance, in addition to the high*
7 *cost of law enforcement, civil and criminal justice, health services,*
8 *mental health services, substance abuse treatment, human services,*
9 *and community-based services.*
10 *(b) Domestic violence cuts across all economic and education*
11 *levels, all age groups, ethnicities, and other social and community*
12 *characteristics. Domestic violence is characterized by a*
13 *predictable, escalating cycle that can result in the injury or death*
14 *of victims, including children.*
15 *(c) Domestic violence puts children at risk. Children in homes*
16 *where domestic violence occurs are physically abused or seriously*
17 *neglected at a rate significantly higher than the national average*
18 *in the general population, according to the National Woman Abuse*
19 *Prevention Project in Washington, D.C.*
20 *(d) Domestic violence is learned and generational. Studies show*
21 *that boys who witness family violence are more likely to batter*
22 *their female partners as adults than boys raised in nonviolent*

1 *homes. Girls who witness their mothers' abuse have higher rates*
2 *of being battered as adults.*

3 *(e) Domestic violence requires a multifaceted intervention that*
4 *engages civil, criminal, health, and social service sectors working*
5 *together to align objectives, protocols, policies, and activities of*
6 *each sector.*

7 *(f) Contra Costa County determined that achievement of this*
8 *alignment requires governmental oversight and coordination of*
9 *the multiple agencies involved in the domestic violence system.*
10 *This oversight and coordination is an essential link in a*
11 *comprehensive effort to eliminate domestic violence.*

12 *(g) During the past four years, Contra Costa County has created*
13 *a successful domestic violence program. Contra Costa County has*
14 *established a coordinated data system, set up a training program*
15 *involving law enforcement, courts, and health and social service*
16 *agencies, established restraining order clinics and other victim*
17 *support services, and increased accountability measures against*
18 *perpetrators of domestic violence.*

19 *(h) Contra Costa County has demonstrated critically needed*
20 *leadership through its Systemic Approach Model of addressing*
21 *domestic violence by integrating victim services across multiple*
22 *disciplines and advancing public-private partnerships to*
23 *institutionalize coordination. Moreover, through its effective*
24 *centralized collaborative approach, Contra Costa County is*
25 *addressing system issues critical to California which were*
26 *described in the California Attorney General's Domestic Violence*
27 *Report entitled "Keeping the Promise, Victim Safety and Batterer*
28 *Accountability," issued in June of 2005.*

29 *(i) (1) Contra Costa County has further determined that the*
30 *fees authorized by Section 26840.7 of the Government Code are*
31 *not sufficient or allowable for governmental oversight and*
32 *coordination, as these funds are to be used only for domestic*
33 *violence centers offering direct services, and are currently fully*
34 *utilized for that purpose.*

35 *(2) Contra Costa County has further determined that the fees*
36 *authorized by this act shall not exceed the cost of governmental*
37 *oversight and coordination of the domestic violence system.*

38 **SECTION 1.**

39 **SEC. 2.** Section 103629 is added to the Health and Safety Code,
40 to read:

1 103629. (a) A county board of supervisors, upon making
2 findings and declarations supporting the need for governmental
3 oversight and coordination of the multiple agencies dealing with
4 domestic violence, may authorize an increase in the fees for
5 certified copies of marriage certificates, birth certificates, fetal
6 death records, and death records, up to a maximum increase of
7 four dollars (\$4).

8 (b) Effective July 1 of each year, a county that elects to increase
9 fees for certified copies of marriage certificates, birth certificates,
10 fetal death records, and death records, pursuant to subdivision (a),
11 may authorize an additional increase in these fees by an amount
12 equal to the increase in the Consumer Price Index for the state for
13 the preceding calendar year, rounded to the nearest half dollars.

14 (c) (1) Proceeds collected pursuant to this section shall be used
15 for governmental oversight and coordination of domestic violence
16 and family violence prevention, intervention, and prosecution
17 efforts among the court system, the district attorney's office, the
18 public defender's office, law enforcement, the probation
19 department, mental health, substance abuse, child welfare services,
20 adult protective services, and community-based organizations and
21 other agencies working in the county in order to increase the
22 effectiveness of prevention, early intervention, and prosecution of
23 domestic and family violence.

24 (2) *Any fees authorized by subdivision (a) or (b) shall not exceed*
25 *the cost of governmental oversight and coordination of the county's*
26 *domestic violence program, as described in paragraph (1).*

27 (d) In addition to the fees prescribed by subdivisions (a) and
28 (b), any applicant for a certified copy of a birth certificate, a fetal
29 death record, or death record in a county shall pay an additional
30 fee to the local registrar, county recorder, or county clerk, as
31 applicable, as established by the county board of supervisors.

32 ~~SEC. 2.~~

33 *SEC. 3.* Section 103629.5 is added to the Health and Safety
34 Code, to read:

35 103629.5. If a county elects to increase fees pursuant to Section
36 103629, the county shall submit a report to the Assembly
37 Committee on Judiciary and the Senate Committee on Judiciary,
38 by July 1 of each year, commencing in 2010, that contains both
39 of the following:

- 1 (a) The annual amount of funds received and expended from
- 2 fee increases for the purpose of governmental oversight and
- 3 coordination of domestic violence prevention, intervention, and
- 4 prosecution efforts in the county.
- 5 (b) Outcomes achieved as a result of the activities associated
- 6 with the implementation of Section 103629.

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